

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION

In re:

Kevin L. Smith

Debtor(s)

* Case No. 16-32974 G

* Chapter 13

* Hon. John Gustafson

* **MOTION TO DISMISS CHAPTER 13**
FOR NONPAYMENT OF POST-PETITION
REAL ESTATE TAXES WITH AFFIDAVIT

*

Julia R. Bates, Esq.

* Lucas County Prosecutor

By: Suzanne Cotner Mandros, Esq.

* Assistant Prosecuting Attorney

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Ohio Reg. No. 0002157

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Now comes the Lucas County Treasurer by and through counsel and states that the above referenced debtor has failed to make payments on his post-petition real estate taxes contrary to the provisions of the Chapter 13 plan and confirmation order entered in this case.

<u>TD Parcel No.</u>	<u>Post Petition Owed</u>
57-10477	\$7,351.94
Total post petition Owed:	\$7,351.94

An additional half tax and assessment amount will come due in July, 2019 in the amount of \$1,957.50 and if not paid when due will accrue penalties and interest.

The Lucas County Treasurer filed claim number 3 in this case for pre-petition real property taxes in the amount of \$4,405.23 plus interest for the period of 2015-2016. Since that time, the county has received \$1,925.25 from the Trustee on that claim.

WHEREFORE the Lucas County Treasurer prays this Court dismiss this Chapter 13 for failure to follow the orders of this Court.

Respectfully submitted,

/s/ Suzanne Cotner Mandros
Assistant Prosecuting Attorney

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AFFIDAVIT OF BETH STEUDE, DEPUTY
TREASURER OF LUCAS COUNTY, OHIO

STATE OF OHIO)
) ss:
COUNTY OF LUCAS)

Now comes Beth Steude, and being first duly sworn, deposes and says as follows:

1. That she is a Deputy Treasurer in the office of the Treasurer of Lucas County, Ohio, that among the duties delegated to her by the Treasurer of Lucas County, Ohio is responsible for collection of real estate taxes, assessments, penalties, and interest and that she has personal knowledge of the records in the aforesaid office.

2. That she has read and she has personal knowledge of the Motion to Dismiss Chapter 13 case filed by counsel for the Lucas County Treasurer in the above captioned case with regard to the property identified on her records as T.D. 57 Parcel No. 10477 (11650 Sylvania, Berkey, OH)

3. That she has personal knowledge of the records available in the office of the Treasurer

of Lucas County, Ohio, as of the date hereof, there was due and owing on the real property carried on the Auditor's Tax List as T.D. 57 Parcel No. 10477 taxes, assessments, penalties, and interest in the sum of \$8,460.37 (net of all payments by the debtor and trustee), all of which are delinquent, due and unpaid. That approximately \$3,065.93 is owed by the Chapter 13 trustee on taxes that were due prior to September 22, 2016. That an additional amount of taxes and assessments will come due on July 31, 2019 in the amount of \$1,957.50 and if not paid will accrue penalties and interest as of August 1, 2019.

Beth Steude

Beth Steude
Deputy Treasurer

Sworn to before me and subscribed

in my presence on APR 30 2019

Corrine M. Meszaros

Corrine M. Meszaros
Notary Public, State of Ohio
My Commission expires 3-22-2022



CERTIFICATION

I certify that on April 30, 2019 a true and correct copy of the foregoing Motion to Dismiss Chapter 13 case was served Via the court's Electronic Case filing system on these parties who are listed on the court's Electronic Mail notice list:

Elizabeth A. Vaughan, Trustee at elizabethav@chapter13toledo.com
Farley Banks, Esq on behalf of the debtor at fkbanks@surge.net
Jan H. Stamm, Esq. on behalf of Metamora State Bank at jstamm@bksr.org
United States Trustee at ustp.region09@usdoj.gov

/s/ Suzanne Cotner Mandros